

House Bill 1118 (AS PASSED HOUSE AND SENATE)

By: Representatives Donatucci of the 105th, Jones of the 47th, Cooper of the 45th, Cheokas of the 151st, Greene of the 154th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to personnel administration, so as to provide a maternal
3 birth leave for certain employees; to provide for definitions; to provide for rules,
4 administration, and requirements; to provide for software and other related updates by the
5 State Accounting Office to add maternal birth leave as a new benefit leave category; to
6 provide for eligibility; to provide for adverse employment action; to provide for notice; to
7 provide for state holiday compensation during maternal birth leave; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to
12 general provisions relative to personnel administration, is amended by adding a new Code
13 section to read as follows:

14 "45-20-23.

15 (a) As used in this Code section, the term:

16 (1) 'Eligible employee' means an individual who experiences a life event and who:

17 (A) Is an individual identified in subparagraph (A), (E), (F), (G), or (L) of
18 paragraph (2) of Code Section 45-18-1 who is classified as full time by the applicable
19 state employing entity; or

20 (B) Is an individual identified in paragraph (4) of subsection (a) of Code
21 Section 20-2-880 or paragraph (3) of Code Section 20-2-910 who is classified as full
22 time by the applicable local education agency.

23 (2) 'Employing entity' means:

24 (A) The executive, legislative, or judicial branch of state government; or

25 (B) A local education agency.

26 (3) 'Local education agency' shall have the same meaning as set forth in Code
27 Section 20-2-167.1.

28 (4) 'Maternal birth leave' means a period of paid time off from work necessary to
29 recuperate as a result of a qualifying life event.

30 (5) 'Qualifying life event' means giving birth to one or more children in a single or
31 multiple pregnancy.

32 (b) All eligible employees of an employing entity shall be eligible for 120 hours of paid
33 maternal birth leave for qualifying life events after six continuous months of employment
34 with the employing entity regardless of whether the employee is eligible for paid or unpaid
35 leave under federal law.

36 (c) If taken, maternal birth leave shall only be taken during the three-week period
37 immediately following the eligible employee's qualifying life event to recuperate from such
38 birth and shall precede the taking of any paid parental leave authorized under Code Section
39 45-20-17.

40 (d) Unused paid maternal birth leave shall have no cash value at the time of the eligible
41 employee's separation from employment with the employing entity.

42 (e) Each employing entity shall promulgate rules for the administration of paid maternal
43 birth leave under this Code section for eligible employees which are not in conflict with

44 this Code section; provided, however, that the State Personnel Board shall promulgate such
45 rules for any employing entity that is considered a department or agency as such terms are
46 synonymously defined in paragraph (6) of Code Section 45-20-2. At a minimum, such
47 rules of the employing entity shall address:

48 (1) Whether paid maternal birth leave under this Code section shall run concurrently with
49 any leave provided under federal law; and

50 (2) The documentation, if any, that an eligible employee shall be required to provide to
51 establish the existence of a qualifying life event.

52 (f) To implement paid maternal birth leave under this Code section, the State Accounting
53 Office shall make any and all necessary adjustments to its current and any future human
54 capital management software, websites, and platforms used by participating employing
55 entities to ensure that paid maternal birth leave appears as a new benefit leave category not
56 later than October 1, 2026.

57 (g) An eligible employee employed on an hourly basis shall be eligible for paid maternal
58 birth leave under this Code section if such eligible employee has worked a minimum of 700
59 hours over the six-month period immediately preceding the requested paid maternal birth
60 leave date.

61 (h) No employing entity shall interfere with, restrain, or deny the exercise of or the attempt
62 to exercise the provisions of this Code section by any eligible employee. No employing
63 entity shall discharge or in any other manner discriminate or retaliate against any eligible
64 employee for lawfully exercising the provisions of this Code section. Notwithstanding any
65 other provision of this Code section, nothing shall prevent an employing entity from taking
66 an adverse employment action against an eligible employee who submits a false or
67 fraudulent document or otherwise provides false or fraudulent information in an attempt
68 to obtain paid maternal birth leave under this Code section.

69 (i) If a paid state holiday takes place during the eligible employee's maternal birth leave,
70 such eligible employee shall only be compensated for the state holiday.

71 (j) The employing entity shall provide notice of the benefits provided under this Code
72 section to each eligible employee upon hiring and annually thereafter."

73 **SECTION 2.**

74 All laws and parts of laws in conflict with this Act are repealed.